

## **REMARKS**

Applicant replies to the Final Office Action mailed on September 30, 2009 within two months. Claims 1-49 were pending in the application and the Examiner rejects claims 1-49. Applicant cancels claims 14 and 48-49 without prejudice to presenting the same or similar claims in this or a related application. Applicant adds new independent claims 50-51. Support for the amendments and new claims may be found in the originally-filed specification, claims, and figures. No new matter is entered with these amendments and new claims. Applicant respectfully requests reconsideration of this application.

### **Rejections under 35 U.S.C. § 103**

The Examiner rejects claims 1, 2, 9, 12-16, 22, 24-25, 30-31, 33-37, 39-40, 46 and 48 under 35 U.S.C. § 103(a), as being unpatentable over VanLeeuwen, U.S. Pub. No. 2002/0123949 ("VanLeeuwen") in view of Jennings et al., U.S. Pat. No. 5,659,165 ("Jennings") and further in view of Brown et al., U.S. Pub. No. 2008/0005021 ("Brown"). The Examiner rejects claims 3-4, 6-7 and 47 under 35 U.S.C. § 103(a), as being unpatentable over VanLeeuwen in view of Jennings and Brown and further in view of Mendiola et al., U.S. Pub. No. 2005/0044042 ("Mendiola"). The Examiner rejects claims 5 and 8 under 35 U.S.C. § 103(a), as being unpatentable over VanLeeuwen in view of Jennings and Brown and further in view of Maritzen et al., U.S. Pub. No. 2002/0026423 ("Maritzen"). The Examiner rejects claims 10 and 43 under 35 U.S.C. § 103(a), as being unpatentable over VanLeeuwen in view of Jennings and Brown and further in view of Armes et al., U.S. Pub. No. 2002/0023549 ("Armes"). The Examiner rejects claim 11 under 35 U.S.C. § 103(a), as being unpatentable over VanLeeuwen in view of Jennings and Brown and further in view of Elterich, U.S. Pub. No. 2005/0149436 ("Elterich"). The Examiner rejects claims 17-19, 21 and 41-42 under 35 U.S.C. § 103(a), as being unpatentable over VanLeeuwen in view of Jennings and Brown and further in view of Brose et al., U.S. Pub. No. 2005/0004856 ("Brose"). The Examiner rejects claim 20 under 35 U.S.C. § 103(a), as being unpatentable over VanLeeuwen in view of Jennings and Brown and further in view of Bent et al., U.S. Pub. No. 2005/0228733 ("Bent"). The Examiner rejects claim 23 under 35 U.S.C. § 103(a), as being unpatentable over VanLeeuwen in view of Jennings and Brown and further in view of Atkins, U.S. Pat. No. 5,875,437 ("Atkins"). The Examiner rejects claims 26-29 under 35

U.S.C. § 103(a), as being unpatentable over VanLeeuwen in view of Jennings and Brown and further in view of Savage et al., U.S. Pat. No. 7,236,950 (“Savage”). The Examiner rejects claim 32 under 35 U.S.C. § 103(a), as being unpatentable over VanLeeuwen in view of Jennings and Brown and further in view of Cataline et al., U.S. Pub. No. 2007/0123949 (“Cataline”). The Examiner rejects claim 38 under 35 U.S.C. § 103(a), as being unpatentable over VanLeeuwen in view of Jennings and Brown and further in view of Fleming, U.S. Pat. No. 5,953,710 (“Fleming”). The Examiner rejects claim 44 under 35 U.S.C. § 103(a), as being unpatentable over VanLeeuwen in view of Jennings and Brown and further in view of Cummings et al., U.S. Pub. No. 2003/0216996 (“Cummings”). The Examiner rejects claim 45 under 35 U.S.C. § 103(a), as being unpatentable over VanLeeuwen in view of Jennings and Brown and further in view of Schiach et al., U.S. Pub. No. 2004/0230448 (“Schiach”). The Examiner rejects claim 49 under 35 U.S.C. § 103(a), as being unpatentable over VanLeeuwen in view of Jennings and Brown and further in view of National Post (January 29, 2004) “Pay Yourself First” Still Works by Jonathan Chevreau (“Chevreau”). Applicant respectfully disagrees with these rejections, but Applicant presents claim amendments in order to clarify the patentable aspects of the claims and to expedite prosecution.

VanLeeuwen discloses a method for “analyzing a user’s finances and providing a plan for debt reduction” (Abstract). The VanLeeuwen method includes acquiring financial data, classifying financial transactions into budget categories, adjusting budgets, listing expense reducing items to a user, receiving user input regarding which expense reducing items to accept. VanLeeuwen discloses determining a budget margin based upon the accepted expense reducing items and paying down user’s debts with the budget margin (Paras. 0008-0009).

**Significantly, VanLeeuwen fails to disclose making a payment to savings regardless of debt obligations.** Instead, VanLeeuwen is directed toward “determining a financial debt that should be paid down first to reduce aggregate financial debt” and “allow[ing] the plurality of debts to be paid off in a reduced amount of time” (Para. 0010). In fact, **VanLeeuwen’s focus on debt prioritization teaches away from prioritizing savings first.** For instance, VanLeeuwen’s discloses, “[i]n contrast to the prior art, this system uses an effective method to select the order in which debts should be paid off” (Para. 0041) and “debt reduction logic considers the original principal amount, term length of debt, and finally the interest rate on the debt. These factors are

combined and preferably measured against the baseline amount of principal owing and allows the appropriate debt to be selected and paid off first" (Para. 0043, emphasis added, internal references removed). None of the other cited references cure the deficiencies of VanLeeuwen.

As such, neither VanLeeuwen alone, nor in combination with any cited reference, disclose or contemplate at least the following, as recited in claim 1 and as similarly recited in independent claims 50-51:

determining, by said computer-based system and in response to said transferring said savings amount, **a payment hierarchy based upon said savings amount**, said plurality of penalties and at least one of said payment information, said user savings goal information and said user income information, wherein said payment hierarchy minimizes said plurality of penalties,

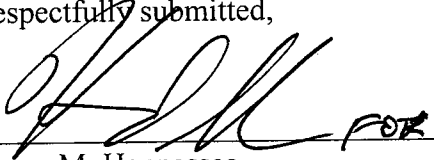
Applicant therefore respectfully submits that independent claims 1 and 50-51 are allowable over the cited references.

Dependent claims 2-13 and 15-47 depend from independent claim 1, so dependent claims 2-13 and 15-47 are allowable over the cited references for the reasons set forth above, in addition to their own unique features.

In view of the above remarks, Applicant respectfully submits that all pending claims properly set forth that Applicant regard as his invention and are allowable over the cited references. Accordingly, Applicant respectfully requests allowance of the pending claims. The Examiner is invited to telephone the undersigned at the Examiner's convenience, if that would help further prosecution of the subject application. The Commissioner is authorized to charge any fees due to Deposit Account No. 19-2814.

Respectfully submitted,

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